

## *City of York Board of Zoning Appeals Minutes May 13, 2019*

### **Members Present:**

Chairperson James Ramere  
Jill Neff  
Rodney Blair  
Suzie Edwards  
Strauss Shiple  
Becca Caldwell

### **Members absent:**

### **Others present:**

Planning Director Breakfield  
Zoning Administrator Blackston  
Gerald Cloniger  
Derrick Boyte  
David Roberts

Chairperson Ramere called the meeting to order at 7:00 pm.

**The first item of business** was approval of the draft Minutes from the February 11, 2019 meeting. Upon a Motion by Becca Caldwell, seconded by Rodney Blair, the Board unanimously conditionally approved the Minutes as submitted with the notation of Becca Caldwell's absence at the meeting.

**The second item of business** was discussion of a special exception application regarding signage for the new Times and Hardees location on Filbert Highway.

Planning Director Breakfield indicated the following regarding the application:

1. The property was referenced by tax map # 0702301053, was zoned HC and was located at the intersection of Alexander Love Highway and Highway 321.
2. The zoning ordinance specified that common freestanding signage shall be reviewed for special exception approval by the Board of Zoning Appeals (BZA). In this case, the sign height and setbacks do not meet the standard requirements.
3. At its meeting on April 1st, the Board of Architectural Review approved the overall look of the sign based on the BZA granting a special exception regarding the noted issues.
4. The applicant requested that the submitted proposal be given special exception approval.
5. On a related issue, the City has required a sidewalk for the street frontage along with requisite written agreement, right-of-way and bond. We have received everything we need for the completion of the sidewalk project except for the written agreement which the applicant is currently working on. Also, some additional trees and landscaping are also required.

6. Any approval of the special exception request would need to be based on the agreement being completed and all documentation recorded as well as all required trees and landscaping being installed.
7. The BZA has a maximum 75 days from this meeting to render a decision regarding this application.
8. If a special exception application is denied by the BZA, the application cannot be presented again for a period of 12 months.

Upon a Motion by James Ramere, seconded by Becca Caldwell, the Board unanimously deferred the application to the next meeting for further discussion with the applicant.

**The third item of business** was discussion of a variance application regarding the vested rights for Austen Lakes Subdivision Phase 3.

Planning Director Breakfield indicated the following regarding the application:

1. The property was referenced by tax map #'s 0700101011, 0700101066 & 0700103026 and was zoned R5.
2. The BZA approved a special exception request and conceptual site plan for Austen Lakes Subdivision on September 17, 2018. The approval included vested right requirements that provided deadlines for completing various phases of the project.
3. The vested rights have expired for the preliminary plat for Phase 3 of the project.
4. The applicant requested a variance to proceed per proposed vested right requirements noted in his application.
5. Please be reminded that the BZA has a maximum of 75 days from the initial BZA meeting on the matter to render a final decision.
6. If a variance application is denied by the BZA, the application cannot be presented again for a period of 12 months.

Upon a Motion by Becca Caldwell, seconded by Rodney Blair, the Board unanimously approved the application based on compliance with all City requirements.

There being no further business, the meeting was adjourned at 7:20 pm.

Respectfully submitted,

C. David Breakfield Jr., MCP, AICP  
Planning Director

cc: City Manager Lisa Wallace  
File- Board of Zoning Appeals 5/13/19